

FILED

MAR 01 2007

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

U. S. DISTRICT COURT
E. DISTRICT OF MO.

UNITED STATES OF AMERICA,

Plaintiff,

V.

MICHAEL J. DEVLIN,

Defendant.

No.

4:07CR00143JCH

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term
- (a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(1));
 - (b) "sexually explicit conduct" to mean actual or simulated--
 - (i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-anal, whether between persons of the same or opposite sex,
 - (ii) bestiality,
 - (iii) masturbation,
 - (iv) sadistic or masochistic abuse, or
 - (v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C. §2256(2)(A));

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6));

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (18 U.S.C. §2256(8)).

2. The "Internet" was, and is, a computer communications network using interstate and foreign telephone lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about October 6, 2002 and on or about July 1, 2003, within the Eastern District of Missouri,

MICHAEL J. DEVLIN,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, S, to engage in sexually explicit conduct, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: still photographs of sexually explicit conduct with S, a minor male, using a Polaroid camera, and such Polaroid camera had traveled in interstate commerce.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT II

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about July 1, 2003 and January 12, 2007, within the Eastern District of Missouri,

MICHAEL J. DEVLIN,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, S, to engage in sexually explicit conduct, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: a Maxell VHS videotape of sexually explicit conduct with S, a minor male, and such Maxell VHS videotape had traveled in interstate commerce.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT III

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about July 1, 2003 and January 12, 2007, within the Eastern District of Missouri,

MICHAEL J. DEVLIN,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, S, to engage in sexually explicit conduct, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: a Maxell DVD mini digital videocassette tape of sexually explicit conduct with S, a minor male, and such Maxell DVD mini digital videocassette tape had traveled in interstate commerce.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT IV

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about July 1, 2003 and January 12, 2007, within the Eastern District of Missouri,

MICHAEL J. DEVLIN,

the defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, S, to engage in sexually explicit conduct, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: a Maxell DVD mini digital videocassette tape of sexually explicit conduct with S, a minor male, and such Maxell DVD mini digital videocassette tape had traveled in interstate commerce.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT V

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about February 13, 2004 and on or about February 15, 2004, within the Eastern District of Missouri and elsewhere,

MICHAEL J. DEVLIN,

the defendant herein, did knowingly transport an individual under the age of 18 in interstate or foreign commerce, with the intent that the individual engage in any sexual activity for which a person can be charged with a criminal offense; to wit: defendant transported S, a minor male, from the State of Missouri to the State of Illinois with the intent to engage in Criminal Sexual Assault, a violation of Chapter 720, Illinois Compiled Statutes 5/12-13.

In violation of Title 18, United States Code, Section 2423(a) and punishable under Title 18, United States Code, Section 2423(a).

COUNT VI

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about June 20, 2004 and on or about July 3, 2004, within the Eastern District of Missouri and elsewhere,

MICHAEL J. DEVLIN,

the defendant herein, did knowingly transport an individual under the age of 18 in interstate or

foreign commerce, with the intent that the individual engage in any sexual activity for which a person can be charged with a criminal offense; to wit: defendant transported S, a minor male, from the State of Missouri to the State of Arizona with the intent to engage in Sexual Assault, a violation of Arizona Revised Statutes Section 13-1406.

In violation of Title 18, United States Code, Section 2423(a) and punishable under Title 18, United States Code, Section 2423(a).

A TRUE BILL.

FOREPERSON

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